

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kug-Jin Yun

Application No.: 10/648,169

Filed: August 26, 2003

For: **3D STEREOSCOPIC-MULTIVIEW
VIDEO PROCESSING SYSTEM AND
ITS METHOD**

Examiner: Jeremiah C. Hallenbeck-Huber

Art Unit: 2621

Confirmation No.: 4451

PRE-APPEAL BRIEF CONFERENCE REQUEST FOR REVIEW

MAIL STOP: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the outstanding Final Office Action mailed October 28, 2010, and in advance of the filing of an Appeal Brief, the Appellants respectfully request reconsideration of rejected claims 22-40 in view of the following remarks.

Claims 22-40 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Patent 6,574,423 issued to Oshima et al. ("Oshima") in view of U.S. Patent No. 7,035,453 issued to Liu ("Liu").

To determine obviousness of a claim: (1) factual findings must be made under the factors set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966); and (2) the analysis supporting the rejection under 35 U.S.C. § 103 should be made explicit and there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See MPEP §§ 2141(II), 2141(III), and 2142; KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396; see e.g., MPEP § 2143 (providing a number of rationales which are consistent with the proper "functional approach" to the determination of obviousness as laid down in Graham).

In regards to the rejection of claim 22 under 35 U.S.C. § 103, this claim recites “wherein the multiplexed stream includes:...display discrimination information including a set of display modes that the packetized elementary stream provides and a display mode, from the set of display modes, selected by a user” (emphasis added). The Appellants submit that the combination of Oshima, Rodriguez, and Liu fails to disclose these elements of claim 22.

In rejecting claim 22, the Examiner relies on Oshima and Rodriguez to disclose including a display mode selected by a user in a multiplexed stream. See Final Office Action, Pages 3 and 4. Specifically, the Examiner cites the stereoscopic identifier of Figure 13 of Oshima as being analogous to the display discrimination information of claim 22. See id. The stereoscopic identifier of Oshima notes when stereoscopic data is present in a stream. See Oshima, Figure 13 and column 8, line 57 through column 9, line 18. However, the stereoscopic identifier of Oshima fails to disclose including information regarding the display mode selected by a user, because Oshima is silent regarding this information being included in the stereoscopic identifier. Further, the Appellants have been unable to locate any sections of Oshima which disclose including information in a multiplexed stream regarding the display mode selected by the user.

The Examiner also cites Rodriguez to disclose including a display mode in a packetized elementary stream. In particular, the Examiner cites Figure 3 and paragraphs 50, 51, and 58 of Rodriguez to allegedly disclose these elements. See Final Office Action, Pages 3 and 4. Although Rodriguez does not use paragraph numbers to divide sections, the Appellants submit that the Examiner is referring to column 7, line 66 through column 9, line 61 of Rodriguez. These sections of Rodriguez disclose a system for allowing a user selecting video-on-demand (VOD) and delivering the selected VOD to a modulator for display on a user’s screen. See Rodriguez, column 7, line 66 through column 9, line 61. However, Rodriguez does not disclose allowing a user select a display mode for the selected VOD and including this selected mode in a stream as recited in claim 22, because Rodriguez does not discuss different display modes. Further, Rodriguez does not discuss including anything other than the actual VOD in the stream delivered to the user’s modulator. Thus, the Appellants submit that Rodriguez fails to disclose “wherein the multiplexed stream includes:...display discrimination information including a set of display modes that the packetized elementary stream provides and a display mode, from the set of display modes, selected by a user” as recited in claim 22.

By including a display mode selected by a user, the multiplexed stream of claim 22 can be easily analyzed by a receiver and the corresponding display mode can be shown without the need for the receiver to store the display mode selected by the user. By failing to disclose including information regarding the display mode selected by a user in a multiplexed stream, Oshima and Rodriguez fails to disclose the cited element of claim 22. Further, after reviewing Liu, the Appellants have been unable to locate any sections therein which cure the deficiencies of Oshima and Rodriguez. Thus, the combination of Oshima, Rodriguez, and Liu fail to disclose each element of claim 22 and cannot maintain a rejection under 35 U.S.C. § 103. Accordingly, the Appellants respectfully request reconsideration and withdrawal of the rejection of claim 22 on this basis.

In regards to claims 27, 31, and 37, these claims include elements analogous to those of claim 22. For at least the reasons discussed above in relation to claim 22, the combination of Oshima, Rodriguez, and Liu fails to disclose these elements of claims 27, 31, and 37. Thus, the combination of Oshima, Rodriguez, and Liu fail to disclose each element of claims 27, 31, and 37 and cannot maintain a rejection under 35 U.S.C. § 103. Accordingly, the Appellants respectfully request reconsideration and withdrawal of the rejection of claims 27, 31, and 37 on this basis.

In regards to claims 23-26, 28-30, 32-36, and 38-40, these claims depend from independent claim 22, 27, 31, and 37, respectively, incorporate the limitations thereof. The Examiner's argument assumes that the combination of Oshima, Rodriguez, and Liu discloses all elements of claims 22, 27, 31, and 37 which are incorporated in dependent claims 2-6 and 11. However, as discussed above, the combination of Oshima, Rodriguez, and Liu does not disclose all the limitations of claims 22, 27, 31, and 37. Thus, the combination of Oshima, Rodriguez, and Liu fail to disclose each element of claims 23-26, 28-30, 32-36, and 38-40 and cannot maintain a rejection under 35 U.S.C. § 103. Accordingly, the Appellants respectfully request reconsideration and withdrawal of the rejection of claims 23-26, 28-30, 32-36, and 38-40 on this basis.

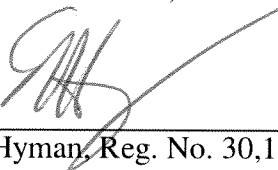
CONCLUSION

In view of the foregoing, it is believed that all claims now pending are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

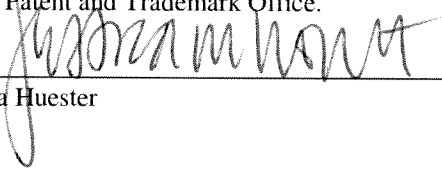
Dated: 1/24/2011

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.


Jessica Huester

2011-01-25
Date: